IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 5452 of 2007(Y)

PETITIONER:

LUKMAN. E.K., S/O.ESSA,
AGED 30 YEARS, NEDUMPOKKIL HOUSE,
P.O.KANNAMANGALAM, VENGARA,
MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. V.J. JOSEPH, LEADER,
SAND SQUAD UNDER THE REVENUE
DIVISIONAL OFFICER, OFFICE OF THE REVENUE
DIVISIONAL OFFICER, PERINTHALMANNA.

2. THE DISTRICT COLLECTOR,
MALAPPURAM.

3. THE SUB INSPECTOR OF POLICE,
PANDIKKAD POLICE STATION,
MALAPPURAM DISTRICT.

4. THE KAVANNUR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.

5. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

R1 TO R3 & R5 BY GOVT.PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No.5452 OF 2007

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DATED THIS THE 19TH FEBRUARY, 2007

JUDGMENT

I have today passed an interim order which according to me grants to the petitioner all possible reliefs. In view of the interim order, the Writ Petition will stand disposed of.

(PIUS C. KURIAKOSE, JUDGE)

tgl

PIUS C. KURIAKOSE, J.

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W.P.(C) No.5452 OF 2007

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DATED THIS THE 19TH FEBRUARY, 2007

O R D E R

Having regard to the grounds raised in the Writ Petition and the documents placed on record, I am inclined to agree with the submission of Sri.Sunny Mathew, learned counsel for the petitioner that no useful purpose will be served from anybody's point of view by allowing the vehicle and the load to remain idle in the precincts of the police station even as the District Collector is adjudicating the issue.

Under these circumstances, there will be an interim order in the following terms:

1. The petitioner will file an undertaking in the form of an affidavit prepared on a stamp paper of value Rs.50/- before the 1st respondent undertaking to produce the vehicle having Registration No.KL.10Z.359 in good running condition before the 2nd respondent or any other competent authority as and when directed in that regard.

2. The petitioner will remit cash Rs.10,000/- with the 1st

respondent and obtain a receipt.

3. The 3rd respondent-Sub Inspector of Police who is the present custodian of the vehicle and the load will release to the petitioner the vehicle having Registration No.KL.10Z.359 and the load upon noticing the photo copy of the affidavit submitted by the petitioner in response to the above direction and also the original of the cash receipt issued by the 1st respondent.

It is made clear that the release as per this order is subject to the final outcome of the adjudication proceedings which will be completed by the 2nd respondent-District Collector at his earliest and at any rate within four months of receiving copy of this order.

Hand over the order.

(PIUS C. KURIAKOSE, JUDGE)

tgl